Supreme Court, U.S.
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No. 05-

IN THE

Supreme Court of the United States

JOSEPH DALTON, *et al.*,

Petitioners,

-v-

GEORGE PATAKI, Governor of the State of New York, *et al.*,

Respondents.

ON PETITION FOR A WRIT OF CERTIORARI TO THE COURT OF APPEALS OF THE STATE OF NEW YORK

PETITION FOR A WRIT OF CERTIORARI

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QUESTIONS PRESENTED

1. In enacting the Indian Gaming Regulatory Act ("IGRA"), did -- and, if so, could -- Congress empower states to pass laws that were otherwise in direct violation of the Bill of Rights of their own Constitutions?

2. If the Bill of Rights of a state's Constitution prohibits commercial gambling but allows limited forms of charitable gaming, does IGRA nevertheless empower or, indeed, require such state to pass a law permitting Indian tribes to engage in commercial gambling?

PARTIES TO THE PROCEEDING

This proceeding originated in New York Supreme Court, Albany County. It was later consolidated with another case, *Mrs. Lee Karr v. Pataki, et. al.*, initiated in that same court. The plaintiffs in this action who are the petitioners before this Court are Joseph Dalton; Frank Padavan, individually and as a duly elected and serving member of the New York State Senate; William Parment, individually and as a duly elected and serving member of the New York State Assembly; Rev. Duane Motley; New Yorkers for Constitutional Freedoms, Ltd.; Lee Karr; the Coalition against Casino Gambling, which is an unincorporated association, G. Stanford Bratton; The Western New York Coalition against Casino Gambling, an unincorporated association; Rev. John Ekman; the Presbyterian and New England Congregational Church; and Chaskiel Rozenburg.

The defendants and respondents before this court are George Pataki, as Governor of the State of New York; the State of New York and the New York State Racing and Wagering Board.

Carl McCall, former Comptroller of the State of New York, was originally named as a party in this case but is no longer, having been dropped by stipulation of the parties.

Park Place Entertainment was granted intervenor status in this case as a Defendant and is also a respondent before this Court.

The case below involved other issues that were germane to other parties but are not part of this appeal. Accordingly, defendants Arthur J. Roth, as Commissioner of the New York State Department of Taxation and Finance; the Division of the Lottery; the New York State Department of Taxation and Finance; the Finger Lakes Racing Association, Yonkers Racing Corporation, Mid-State Raceway Inc. and Moticello Raceway Management Incorporated are not interested

parties in this appeal. Their counsel of record, however, have been served with copies of this petition.

STATEMENT PURSUANT TO RULE 29.6

New Yorkers for Constitutional Freedoms, Ltd., one of the petitioners herein, is a not-for-profit corporation organized under the laws of the State of New York and has no parents and/or subsidiary corporations or affiliates.

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